

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte D. WADE WALKE,
YI HU, HORIS NEPOMNICHY,
C. ALEXANDER TURNER, JR., and BRIAN ZAMBROWICZ

Appeal No. 2005-2440
Application 09/783,320

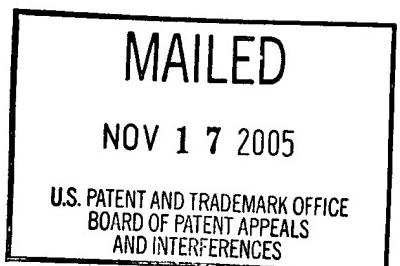
ORDER DISMISSING APPEAL

Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge, and
GRIMES, Administrative Patent Judge.

Per curiam.

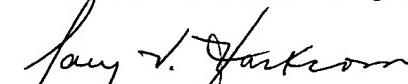
Appellants were given a period of one month to respond to the "ORDER UNDER 37 CFR § 41.50(d)" mailed on September 22, 2005. In a communication received October 22, 2005, appellants stated that they were "withdraw[ing] the present appeal . . . without prejudice and without disclaimer in order to pursue claims in a continuing application."

Since appellants have withdrawn the appeal, the case is dismissed.



The application is being returned to the examiner for further action as may be appropriate.


Michael R. Fleming, Chief
Administrative Patent Judge }


Gary V. Harkcom, Vice Chief
Administrative Patent Judge }
} BOARD OF PATENT
} APPEALS AND
} INTERFERENCES


Eric Grimes
Administrative Patent Judge }
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